

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31630 of 2013

Arising Out of PS.Case No. -209 Year- 2013 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Sanjit Kumar Block Development Officer, Banjariya Son Of Late
Ramkishun Prasad, Resident Of Vill- Nandan, Kaituka, P.S- Distt- Chapara

.... Petitioner/s

Versus

1. The State Of Bihar
2. Lal Kishore Ram Son Of Late Ramotar Ram Senior Accountant Officer,
Distt And Vill- Develoment Agency, Motihari

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Gulnar Begum(APP)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 08-03-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

It transpires from the supplementary affidavit filed on
behalf of the petitioner that charge-sheet has been submitted upon
completion of investigation.

Learned counsel for the petitioner submits that the
investigation ought to have been done by an officer not below the
rank of Superintendent of Police, whereas in the present case the
police report has been submitted by the Assistant Sub-Inspector of
Police, which is not permissible and on such basis no cognizance
can be taken.

So far as the plea for quashing of the First Information Report is concerned, I am not at all satisfied with the submission that no cognizable offence is made out on the basis of the contents of the First Information Report.

This application is, accordingly, dismissed.

However, the petitioner shall have liberty to raise the plea that Assistant Sub-Inspector of Police did not have the jurisdiction to submit final report at the time of taking cognizance or after taking of cognizance as may be permissible to him under law.

(Chakradhari Sharan Singh, J)

ArunKumar/-

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